Appl. No. 10/603,918   **Examiner:** Tanim M. Hossain
Amdt. dated 02/22/2010
Reply to Office action of 12/11/2009

DETAILED ACTION

This office action response responds to the Office Communication mailed on December 11, 2009. Applicant respectfully requests reconsideration of this application in view of the following remarks.

Claims 1, 14, and 21 have been amended. The support for the amendment to claims 1, 14, and 21 can at least be found on page 12, lines 3-19 of the Applicant's specification, as filed. Claims 1-25 are currently pending in the case. No new claims are added. Further examination and reconsideration of the instant application is respectfully requested.

Claim Rejections – 35 USC § 101

The Examiner stated that claims 14-20 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Applicant has amended independent claim 14 and has tied the claim to a processor. Dependent claims 15-20 are dependent on independent claim 14 respectively and incorporate all their limitations. Applicant respectfully requests the withdrawal of the 101 rejection against claim 14-20.

Claim Rejections – 35 USC § 103

The Examiner rejected Claims 1-25 under 35 USC § 103(a) as being unpatentable over Davies (US 2002/0059407) in view of Herrmann (US 2001/0032259) in further view of Rangarain, et al. (US 5828830 here after Rangarain).

Independent claim 1 has been amended to more clearly recite the claimed invention. In particular, independent claim 1, as amended, recites "wherein a frequency of uploading the learning event report is determined *based on a priority of a learning event associated with the learning event report*." Independents claims 14 and 21 have been amended to recite similar subject matter. Particularly, independent claims 14 and 21, as amended, recite "wherein a frequency of uploading the one or more learning event reports is determined *based on a priority of each of one or more learning events associated with the one or more learning event reports*."

Applicant respectfully submits that the combination of Davies, Herrmann, and Rangaraian does not describe or suggest "wherein a frequency of uploading the learning event report is determined *based on a priority of a learning event associated with the learning event report*" as recited by independent claim 1, as amended.

Rangaraian in col. 1, line 66- col. 2, line 65 describes a system and method for managing a network of devices. Operationally, a network manager is connected to the network in order to monitor the activity of the various devices, wherein the network manager utilizes a network management protocol to communicate with the devices. The network manager generates queries and has agents associated with the devices respond to the queries. Alternatively, an agent can also generate an unsolicited message or trap to notify the network manager of an event. More particularly, each trap is associated with the device that initiated the trap and an enterprise that represents a grouping of devices. Subsequently, the network manager processes the trap in accordance with the trap's filter and priority, wherein a trap configuration file is used to assign a trap filter and priority for each received trap. The trap configuration file specifies a datum representing a trap filter and priority for each device, for each device's specified trap number. The values of the datum can represent a DISCARD filter, no filter, no priority, HIGH priority, MEDIUM priority, and LOW priority. There can be zero or more entries for each trap in the trap configuration file. A default trap filter and a default priority are used when no entry for a trap exists in the trap configuration file. Therefore, Rangaraian's trap priorities are used for deciding a relative importance of the trap, and subsequently determining the type of processing of the trap. Moreover, all the above processing is done by the network manager and not the agent. However, Rangarain does not describe or suggest that priority of the trap event can be used by agents to determine an uploading frequency of the traps. Moreover, leaving exceptional events the agents have no control over uploading of traps to the network manager, as Rangarain clearly describes that the method is based on SMTP protocol.

Assuming arguendo, even if the Applicant believed that Rangarain's agent uses the priority of the trap events to determine the frequency of upload of the trap, the method would still not work in Rangarain's method as the network manager pulls the information, and the agent does not pushes the information. Thus, the frequency of information exchange is determined by Rangarain's network manager, and not the agent. Because Rangarain's agent does not control the

information exchange, thus Ranagarain's agent cannot determine the frequency of upload of an event. Therefore, Rangarain fails to describe or suggest "wherein a frequency of uploading the learning event report is determined *based on a priority of a learning event associated with the learning event report*" as recited by independent claim 1, as amended. Moreover, Herrmann fails to remedy the acknowledged deficiency of Rangarain.

In view of the above explanation, Applicant respectfully submits that the combination of Herrmann and Rangarain does not describe or suggest "wherein a frequency of uploading the one or more learning event reports is determined *based on a priority of each of one or more learning events associated with the one or more learning event reports*" as recited by independent claims 14 and 21, as amended.

Claims 2-13, 15-20, and 22-25 are dependent on independent claims 1, 14, and 21 respectively and incorporate all their limitations. For the reasons set forth above, Applicant believes that claims 1-25 are in condition for allowance and respectfully requests they and all claims depending therefrom be passed to allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

Respectfully submitted,
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